

IN THE UTAH COURT OF APPEALS

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William Wallace,	)	MEMORANDUM DECISION
	)	(Not For Official Publication)
Petitioner and Appellant,	)	
	)	Case No. 20090600-CA
v.	)	
	)	F I L E D
State of Utah,	)	(December 3, 2009)
	)	
Respondent and Appellee.	)	<span style="border: 1px solid black; padding: 2px;">2009 UT App 360</span>

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Third District, Salt Lake Department, 070917191  
The Honorable Denise P. Lindberg

Attorneys: William Wallace, Draper, Appellant Pro Se  
Mark Shurtleff and Brett J. Delporto, Salt Lake City,  
for Appellee

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Before Judges Greenwood, Orme, and Thorne.

PER CURIAM:

William Wallace appeals the trial court's order dismissing his petition for postconviction relief. This is before the court on its own motion for summary disposition based on the lack of a substantial question for review.

On appeal, "an appellant must allege the lower court committed an error that the appellate court should correct. . . . If an appellant fails to allege specific errors of the lower court, the appellate court will not seek out errors in the lower court's decision." Allen v. Friel, 2008 UT 56, ¶ 7, 194 P.3d 903. Because Wallace is seeking this court's review of a district court's decision, he must address reasons why the district court's decision denying his petition should be overturned. See id. ¶ 14. However, Wallace fails to address the trial court's ruling.

Instead, Wallace merely reasserts issues listed in his petition and argued to the trial court. In doing so, he ignores the legal basis for the trial court's ruling. The trial court dismissed Wallace's petition because it was time-barred and procedurally barred. Wallace has not asserted any error in that

determination but, rather, he reargues allegations of error in his criminal trial proceedings and appeal. He does not present any argument regarding why his petition, filed more than three years after his criminal appeal was decided, should not be subject to the one-year filing limitation, see Utah Code section 78B-9-107 (2008), or why any issue raised would not be barred. Absent an actual allegation of trial court error in the dismissal of Wallace's petition, there is no substantial question for review warranting further consideration by this court.

Affirmed.

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Pamela T. Greenwood,  
Presiding Judge

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Gregory K. Orme, Judge

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William A. Thorne Jr., Judge